



**WORKING FOR YOU AT
QUEEN'S PARK
AMO POLICY GUIDELINES
AND REPORTS**

AMO ANNUAL CONFERENCE, AUGUST 1988

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO



Working for You at Queen's Park

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1988 POLICY STATEMENTS

Preface

The Association over the years has encouraged municipalities to contribute views and opinions on matters of local government and mutual concern.

Accordingly, member municipalities have submitted resolutions that ultimately shape the policy of the Association and are the basis of briefs and submissions to other governments.

The Association supports the resolution process and the development of municipal policy reports as effective and important mechanisms for guiding and influencing legislative policies to meet the ever increasing challenges to local government and our communities.

The Association has developed "policy statements" which have been drawn from previous recommendations, resolutions, and reports, to act as guidelines for the committees and the Association membership.

Introduction

The role and place of municipalities within the governmental framework of Canada, is ensured not only through historical and conventional precedence, but also through a well-founded recognition that it is an integral and essential component of the Canadian democratic system.

From a provincial government viewpoint, the primary purpose of municipal government is to perform those duties which provincial policy and legislation deems expedient to make the responsibility of local authorities.

From a municipal government perspective, an equally important function is to do those things which either come within the sphere of the municipality or which are not done by any other level of government.

However, the eloquence, vitality and enduring nature of municipal government arises from its representative role, its sensitivity to the aspirations of the community, its accessibility, its ability to respond to local needs and its accountability for its decisions.

I-01 - Provincial Authority

The Constitution Acts 1867 to 1981 (formerly The British North America Act 1867, as amended) contains within its provisions those matters relating to a provincial government's exclusive authority for the establishment, structure and operation of "municipal institutions".

I-02 - Municipal Government Powers

Powers vested in local governments flow directly from provincial statutory law, which can be extended or retracted at the will of the Legislative Assembly.

Consequently, local authority with respect to such matters as taxation, fiscal capacity, expenditure determination, and legislative authority, is within

the strict confines of those powers granted by the statutes and regulations of the Government of Ontario.

I-03 - Association of Municipalities of Ontario

The Association of Municipalities of Ontario proposes that if the essence of our system of government is to keep government responsive to the wishes of the governed, municipal government should be left with as wide a scope of power as possible and be independent in the exercise of that power to the fullest practicable extent. Furthermore, municipal government authorities must have within their control and responsibility sufficient access to sources of revenue to enable them to finance their statutory obligations and the optional services required by the community.

The Association of Municipalities of Ontario, has accepted as one of its primary constitutional objectives the enhancement of the role and opportunity of municipal governments as "partners" within the total governmental process of Canada. To this end, the Association maintains that municipal government must be accorded every opportunity to participate fully with other levels of government in the discussion and the establishment of national and provincial goals touching upon, or of interest to the municipal government sector.

It is against this background of our interpretation of the role and needs of municipal government in Ontario that the following policy guidelines are submitted.

Assessment and Taxation

AT-1 - Background

On January 1, 1970, the Government of Ontario assumed responsibility for the assessment function from municipalities with the aim of introducing market value assessment for all real property in Ontario by 1975. In March 1977, the Blair Commission issued its Report on the Reform of Property Taxation in Ontario. The Association prepared a comprehensive and detailed response to the Blair Report. In January 1978, the Treasurer of Ontario released a white paper on "Property Tax Reform". At the request of the Treasurer, a provincial/municipal committee was established to review the recommendations within the white paper. In April 1978, the Report of the Provincial/Local Government Committee on Property Tax Reform was presented to the Government of Ontario as a joint response. On June 8, 1978, the Treasurer of Ontario advised the Legislature that the Government had decided not to proceed with the program.

By virtue of the freezing of assessments in 1970, inequities have grown over time, both among ratepayers in each municipality and among municipalities. There has been some reduction in assessment inequities over the past few years as a result of the implementation of Section 63 of the Assessment Act in many municipalities.

AT-02 - Policy

The Association will continue to press the Government of Ontario for those changes in assessment and property tax legislation to strengthen and broaden the base on which the local tax system is built.

AT-03 - Section 63 Assessment

The Association encourages the use of Section 63 as a first step towards the achievement of equity in assessments within a municipality. The Association continues to urge the province to implement Section 63 on a county-wide/region-wide basis.

AT-04 - Property Tax and Grant Reform

The Association strongly supports a move by the provincial government to proceed with the implementation of market value assessment and property tax reform, however, it believes that grant reform should be undertaken in conjunction with the foregoing.

AT-05 - Tax Reform

The implementation of property tax reform, based on market value assessment, for grant apportionment and local tax purposes is supported.

AT-06 - Consultation

Ongoing consultation between the federal government, the Government of Ontario and its municipal partners in matters relating to assessment and taxation is necessary.

AT-07 - Farms

Assessment for farm residences and the balance of farm real estate should be identified separately on the assessment notice.

Education

AT-08 - Information

Assessment roles should include information valuable to municipal government.

AT-09 - Rebates

As the Association does not support the creation of additional exemption categories, and if tax credits are given by the province to certain sectors of the community, they should be in the form of rebates.

AT-10 - Tax Burden

All properties, including federal and provincial, should bear their full share of property and other municipal taxes.

AT-11 - Appeals

The Association supports the implementation of an assessment appeal process for federal grants-in-lieu to ensure that all assessments are equitable.

E-01 - Policy

The Association will concern itself with those educational policies which may directly or indirectly affect municipal administration. The Association supports greater liaison with boards of education and the Ministry of Education, particularly in view of the fact that education taxes are collected by municipalities.

E-02 - Education Finance

Since the benefits of a good educational system are not directly related to property but extend throughout the community, the province, and the nation, educational costs should be entirely financed from forms of tax revenue other than the property tax.

E-03 - Education Transfers

Until the foregoing has been achieved, the annual grants to boards of education must be announced and paid at the earliest possible date each year so that municipal councils will have the necessary information to complete the property tax calculation.

Employer - Employee Relations

EM-01 - Background

A highly significant aspect of the regulation of labour relations in the Province of Ontario is not only the collective bargaining process itself, but also the extensive use of the arbitration process in the resolution of both interest and rights disputes.

As municipalities are the providers of various essential services, the importance of effective labour relations is compounded and every effort must be made to encourage harmonious relations between employers and employees.

To ensure that labour relations matters are not resolved by the invocation of strike or lock-out, the Government of Ontario has imposed binding arbitration in certain instances (police, fire and hospitals) where it is assumed that the public interest would be threatened if economic sanctions of this nature were to be applied for an extended period.

There are major deficiencies in the current arbitration process. Any system of binding arbitration should assure that serious collective bargaining has previously taken place.

EM-02 - Policy

The Association will actively pursue with the Government of Ontario its goal of rectifying the major deficiencies of dispute resolution processes. The Association will inform municipalities on new progressive management techniques/processes with a view to improving employer/employee relations and delivery of service to the public.

EM-03 - Labour Relations Information

The Association will make every attempt to keep municipalities informed of municipal labour relations issues of current concern. The Association is committed to the provision of up-to-date and current information respecting municipal labour settlements to all members of the Association, to assist in the collective bargaining process.

EM-04 - Liaison

The Association believes there is a need to closely monitor all provincial policy relating to labour relations, in an attempt to keep municipalities informed of new rules and regulations that must be adhered to in personnel administration.

EM-05 - Consultation

It is necessary that the Association be directly involved in dialogue and formal submissions regarding the formulation of new legislation or amendments to existing law relating to employer-employee relations.

Furthermore, close liaison with various ministries concerned with labour relations is imperative.

EM-06 - Labour Relations Services

The Association of Municipalities of Ontario is committed to provide labour relation services where practicable to assist municipalities in addressing existing legislation and/or common concerns and problems in the area of labour relations and personnel related matters.

Energy

EN-01 - Consultation

Close consultation and liaison amongst federal, provincial and municipal bodies should be initiated and maintained in the development of energy programs, policies, and legislation which affect Ontario municipalities.

EN-02 - Commitment

Energy management is a relatively recent development in municipalities. Programs announced by the federal and provincial governments should be fully funded and run for their full stated length of time.

EN-3 - Co-ordination

The federal and provincial governments should ensure that energy programs, activities and initiatives which affect municipalities are co-ordinated to ensure that they are complementary and effectively meet municipal needs.

EN-04 - Energy Conservation

Measures to encourage municipal energy conservation programs should be supported and encouraged by municipalities as a means of reducing consumption and municipal operating costs. Municipal effects should complement the provincial goal of reducing dependency on oil through conservation, substitution or the use of renewable energy sources.

Environmental Control

EC-01 - Background

The protection of the environment from the adverse effects of man's activities is of utmost importance in ensuring safe and healthy surroundings.

EC-02 - The Environmental Assessment Act

The Association supports the application of the environmental assessment process for municipal undertakings which could adversely affect the environment. However, the Association accords its support on the basis that the procedures of an environmental assessment application do not lead to excessive delays in carrying out municipal projects or an undue increase in administrative and/or construction costs ultimately borne by the municipal taxpayer. The Environmental Assessment Act should also apply to those projects undertaken by the Government of Ontario, its agencies and crown corporations in the same manner as municipal government projects.

EC-03 - Solid Waste Management Proposals

At present, municipalities must comply with the stringent requirements of the Environmental Assessment Act when making application for solid waste management proposals. Private proponents need only comply with the requirements of the Environmental Protection Act. While the Association accepts the application of the Environmental Assessment Act for municipal undertakings, it contends that the intent of this Act is circumvented by applying its provisions only to provincial,

municipal and public bodies. It is appropriate to amend the Environmental Assessment Act in order that all proposals and undertakings respecting landfill sites by the individual or private body are subject to the same provisions of the Environmental Assessment Act.

EC-04 - Consultation

Municipalities must be provided an opportunity for meaningful input into any undertaking by the federal or provincial government, or a related agency, which could ultimately affect the environment of that municipality.

EC-05 - Waste Management

Municipalities, including county and regional governments, should be provided with the legislative authority, technical expertise, necessary funding and incentives to implement environmental programs for the disposal of wastes. The province must lead in the development of new technology and assist in the application of this technology, including active participation at any consolidated or environmental assessment board hearings that may be required, and in the development of public education programs regarding innovative waste management techniques.

EC-06 - Hazardous Wastes

The provincial and federal governments, with access to greater fiscal and technical resources must assume the lead role in the treatment and disposal of hazardous wastes, in consultation with the affected municipalities.

Municipal Finance

EC-07 - Provincial Regulations and Standards

The imposition of new environmental regulations and standards by the provincial government may in turn impose severe hardships on affected municipalities.

To maintain the quality of our environment and decrease the degree of hardship experienced by municipalities, the provincial government must consult with municipalities prior to the implementation of new environmental regulations and standards and provide sufficient lead time and financing to enable municipalities to comply with these provincial government directives.

FIN-01 - Background

The goal of municipalities must be the sharing of tax revenue now available only to the provincial and federal governments, to ensure that revenue capacity is matched with the service needs.

The Association notes that in the last few years the level of transfer payments paid to municipalities by the Government of Ontario has not always kept pace with the level of expenditures needed to be incurred by municipalities. As a result, an undue burden has been imposed on the taxation base on municipalities. The rate of increase in total transfer payments should be at least equal to the rate of increase in total provincial revenues, in light of the limited resources available to municipalities. Accordingly, the Association will make every effort to convince the Government of Ontario to fully meet its financial obligations for local programs which are either mandated or encouraged by the province.

The Association supports the efforts made by the Government of Ontario to simplify the unconditional grants program so that it can be more easily understood by local taxpayers.

The Association strongly recommends that ongoing consultation take place between the Government of Ontario regarding any changes to the structure of the transfer payments program (especially unconditional grants). Alterations to the structure of the transfer payments program, which result in major grant shifts among municipalities, should be phased in gradually so that those municipalities adversely affected by the changes may have sufficient time to adjust.

FIN-02 - Revenues

The goal of municipalities must be the sharing of other forms of tax revenue to ensure that revenue capacity is matched with the service needs of the municipality.

FIN-03 - Transfer Payment Announcements

It is essential that the provincial government announce the details of all transfer payments to municipalities by November fifteenth (15) of the year prior to which the transfer will be payable, such details to be sufficient to allow municipalities to proceed with their local government budget deliberations.

FIN-04 - Deconditionalization

Transfer payments should be unconditional, but until this is accomplished unconditional and conditional grants should keep pace with the inflation index, and no municipality should receive less than the actual rate of inflation.

FIN-05 - Composite Transfer Payments

The Association supports the concept of a composite transfer payment system wherein all provincial transfers including all subsidies, resource equalization grants, general support grants, etc., are pooled and single monthly payments are issued to each municipality.

FIN-06 - Flexibility

Municipalities should be provided with maximum flexibility in managing their

fiscal resources, including long term financing.

FIN-07 - Consultation

The federal and provincial governments must consult with municipalities prior to the development, modification or termination of those programs which have any financial implication for municipalities. In the case of all new programs which fall within municipal responsibilities, additional unconditional grants should be secured. But, when a provincial matter burdens the municipal tax base, municipalities need special grants. Some provision for additional funding to municipalities related to the added administrative costs associated with complying with provincial legislation, is warranted.

Health and Social Services

HSS-01 - Universality

Health and social services shall be available to all requiring such services.

HSS-02 - Role of Municipalities

The role of municipalities in the health and social services field is inter-related with the other levels of government and the volunteer sector. Within this spectrum, municipalities shall play a key role in the identification, planning and delivery of these services.

HSS-03 - Consultation

Efforts shall be made to ensure a close liaison and co-ordination between municipal, provincial and private agencies involved in the provision of health and social services. This shall include consultation with municipalities and private agencies in the development of provincial and federal policy and legislation.

HSS-04 - Funding

Municipalities recognize that their fulfillment of responsibility for health and social services can only be accomplished within an ability to pay for existing services and that they can only assume additional responsibilities if sufficient funds are provided on an on-going basis by the provincial government, following consultation.

HSS-05 - Income Maintenance

Municipalities support the development of a single system for income maintenance in Ontario. If municipalities are determined as the appropriate level of government to deliver this program, the provincial government must meet its responsibility to fully fund income maintenance programs.

HSS-06 - Preventive, Rehabilitative and Support Services

Municipalities shall recognize that preventive, rehabilitative and support services are an important and necessary component of the social service system.

HSS-07 - Volunteer Sector

Municipalities shall be encouraged to recognize and promote the role of the volunteer sector in the social services system.

HSS-08 - Social Planning

The provincial government and municipalities shall recognize that comprehensive long-range municipal planning may address social issues. Social services provided by municipalities shall have a planning and evaluation component and the provincial government should supply assistance to those municipalities that request such support to develop this component. Further, the province should recognize social planning as an item available for subsidy under the Canada Assistance Plan and provide those subsidies.

Housing Programs

H-01 - Policy

HSS-09 - Community Based Programs

It is essential that municipalities be involved in the development and implementation of community-based programs. Increased emphasis should be placed on providing support services that allow people to remain in their homes as an alternative to institutionalization.

However, municipalities recognize that this can only be accomplished within an ability to pay for existing services and that they can only assume additional responsibilities if sufficient funds are provided by the provincial government on an ongoing basis.

HSS-10 - Responsibility of Municipalities

In order to improve liaison between the various agencies and to avoid duplication, second-tier municipalities, separated towns and cities should have a facilitating role in the co-ordination of the following programs: services for children, services for seniors, community health clinics and public health services.

A basic human need is the availability of clean, warm shelter in good repair. To satisfy the needs of the present and future citizens of the Province of Ontario and to be consistent with the economic situation of these citizens, a broad range of housing stock, including a variety of housing types, tenure, locations and densities should be available. Government housing programs should complement private sector activities to meet the housing needs not satisfied by the private sector.

H-02 - Range of Programs

The diversity of housing problems and environments across the country requires a diversity of responses, and consequently, proposals for a one-program solution for all markets are inappropriate. A co-ordinated package of programs would provide the flexibility of choosing the best solution for local needs.

H-03 - Municipal Role

Municipal governments should have the discretionary authority to be the prime delivery agents for renewal and public sector housing. Further, municipalities should review and revise their regulatory practices in the housing field to meet these changing needs.

H-04 - Social Housing

The advantage of social housing as affordable housing for low and moderate income households must be recognized and maintained. The provincial government must sustain the existing public housing stock and provide funding for the devel-

opment and acquisition of additional public housing, particularly in those municipalities without non-profit or other social housing development. Changes may be necessary to upgrade the existing social housing stock for adaption to a more suitable form. Funding and technical assistance must be provided to municipalities and private groups to facilitate the establishment of non-profit housing corporations and co-operative housing projects. In certain situations there is a place for a rent supplement program as well as a shelter allowance program. Such programs should be viewed as components of a package of programs.

All clients determined to be in need of housing assistance should be eligible for such assistance.

H-05 - Commitment

Frequent changes in policy and programs, including federal unilateral termination of some programs, have seriously hindered the production of both social housing and private market housing. The federal and provincial governments must be committed to longer term development plans with funding commitments for at least three to five years to allow continuity in housing programs and a consolidated effort in planning for future needs.

H-06 - Consultation

Federal/provincial/municipal consultation should be an ongoing process in the formulation and evaluation of housing policies, programs, guidelines and legislation.

H-07 - Ownership Assistance

The Association does not support government subsidy mortgage programs for home ownership. Priority in funding should be given to those who have no alternative than to rent.

H-08 - Housing Renewal

Rehabilitative and energy conservation programs for housing are of increasing importance. A broader range of such programs and more efficient delivery and administration are needed.

Intergovernmental Affairs

IA-01 - Policy

Since the Provincial-Municipal Conference of April 1970, the Government of Ontario and the municipal associations have been engaged involving a concept of "partnership". All provincial ministries and agencies must recognize the need for consultation with the municipal governments and the Association to ensure workable legislation.

IA-02 - Consultation

The provincial government should act expeditiously on municipal requests for legislative changes.

Law and Enforcement

IA-03 - Consultation

The Association advocates enhanced consultation among federal, provincial and municipal governments with respect to the development, modification, termination and funding of programs which impact upon local government.

LE-01 - Background

The Association recognizes that the protection of persons and property is a basic human right with municipalities playing a vital role in the protection of these rights.

LE-02 - Policy

Enhanced consultation among federal, provincial, and municipal governments with respect to the development, implementation and enforcement of legislation which affects municipalities is necessary.

Municipal Government Structure

M-01 - Organization

The system of municipal government in Ontario consists of a number of statutory classes or forms of municipal governments based on population, with various organizational structures and powers assigned in accordance with status and at times augmented through provincial private legislation. The Association supports the principle of such statutory flexibility to meet the wide and varied needs of municipal governments throughout Ontario. The government of the Province of Ontario is encouraged to move more deliberately and expeditiously in providing a greater opportunity for municipal government decision-making at the local level which will be determined by community need, aspiration and capacity.

M-02 - Status

Municipalities should be recognized as a level of government in the Constitution of Canada to ensure that local government is firmly established and entrenched in the total governmental process of Canada.

M-03 - Representation

The Association supports the principle of representation by population as applied to political units. However, with respect to second-tier municipal governments, whether directly or indirectly elected, representation should to the greatest extent possible be based on the number of municipal electors, in conjunction with other such factors as the number of municipalities comprising the political unit and the nature of the geographic area.

M-04 - Re-organization and Boundary Adjustments

The Association supports the rationalization and effective utilization of human and fiscal resources between the levels of municipal government. However, it proposes that the transfer of municipal functions should be implemented only after inter-municipal consultation and completion of mutually agreed-upon terms and conditions.

In those instances relating to inter-municipal boundary changes, the Association supports the concept that municipalities arrive at such adjustments through the process of negotiation and conciliation. The final decision for such negotiated boundary changes should rest with the affected municipal councils. If agreement on such negotiated boundary changes has not been reached within a two (2) year period, the provincial government may be requested by either party to arbitrate a decision.

M-05 - Local Special-Purpose Bodies

The Association supports the elimination of statutory local special-purpose boards, commissions, committees and authorities, with the governing responsibility for their function and operation assigned directly to the appropriate municipal council.

Municipal councils should maintain as a principal objective the attainment of political and financial accountability, in a manner which best suits the circumstances of the individual municipality.

Northern Ontario

Where it is determined that special purpose bodies are to continue to be created by a municipal council, financial and policy control should be vested in the appropriate municipal council.

All members of local special-purpose bodies should be appointed by the participating municipal councils. In those instances in which council may appoint either elected or non-elected persons to special-purpose bodies, the municipal elected appointments should comprise the majority of the appointments. Council, as the appointing body, should have the right to recall its appointments when deemed necessary.

M-06 - Northern Ontario

In stating its policies on local government structure, the Association notes that special consideration should continue to be given to the unique and particular problems of northern Ontario.

NO-01 - Policy

The communities of northern Ontario have unique problems that require solutions different to those of southern Ontario.

The Association believes that consideration of this principle is consistent with the sound and healthy development of the whole province.

Planning and Development

PD-01 - Local Decision-Making

Provincial planning legislation must reflect the right and obligation of municipally elected representatives to determine policies, procedures and standards appropriate for their municipality.

PD-02 - Consultation

Provincial/municipal consultation shall be an ongoing process in the formulation of legislation, policy statements, regulations, policy circulars and planning guidelines.

PD-03 - Provincial Legislation and Policy

The Province must publish and circulate clear statements of provincial policy. Provincial intervention in municipal planning shall only occur when a municipal planning action contravenes a previously published provincial policy. Where provincial policies affect municipalities, there must be ongoing consultation in the formulation, review and amendment of such policies.

PD-04 - Municipal Planning

All municipalities shall have an official plan that contains clearly stated policies for a basis for planning decisions. Municipal planning should address social, economic, recreational, environmental and physical factors, to the degree required by local circumstances. The provision of parkland, recreational and cultural facilities should be planned on a professional basis and should reflect the needs and desires of the community. The

obligation to undertake this planning process lies with the municipality with the support of the provincial government.

PD-05 - Community Improvement

The incentives provided to municipalities through community improvement programs are of vital importance in achieving municipal objectives related to renewal, rehabilitation, energy conservation and the use of existing infrastructure. Therefore, the Association re-affirms its commitment to tri-level agreements for funding community improvement programs. The administration of these programs must remain at the municipal level, with administrative requirements of these programs revised to promote efficiency and ease of operation.

PD-06 - Timely Decision-Making

The province, municipalities, the Ontario Municipal Board and public agencies shall ensure that all planning matters are acted upon with expediency.

PD-07 - Delegation

The delegation of authority for municipal planning shall be automatic on the request of the municipality receiving the delegated authority when that municipality has complied with clearly specified criteria.

Recreation, Parks and Culture

PD-08 - Public Involvement

Municipalities must ensure that citizens have access to information and the right to notification, hearing and appeal.

PD-09 - Implementation Costs of Provincial Policy

Where compliance with a provincial government Policy Statement issued under Section 3 of the Planning Act, 1983 results in increased administrative costs to municipalities, whether these costs be one time or ongoing, such costs must be offset by increases in the general transfer payments made to municipalities.

PD-10 - Federal and Provincial Undertakings

Undertakings of the federal and provincial governments must comply with the policies and provisions established by municipalities in their planning documents.

PD-11 - Planning Act, 1983

The Association will continue to monitor the implementation of the Planning Act, 1983, to enable it to bring to the attention of the provincial government the concerns of its members and to ensure that the measures proposed to implement the Act do not impose undue financial or administrative burdens or restrictions on municipalities.

RP-01 - Policy

As the provision of park land, recreational and cultural facilities within a municipality is closely aligned to municipal planning policies, parks, recreational and cultural programs are functions that are best operated under the direction of the municipal council.

RP-02 - Provincial Co-ordination

The multiplicity of various recreation, parks and culture related programs and services, grants and subsidies transferred to municipalities must be co-ordinated under one lead Ministry.

RP-03 - Funding

Until such time as significant progress is made towards grants reform and deconditionalization, the provincial government must increase its transfers to municipalities for recreation, parks, culture and library programs to keep pace with the inflation index.

RP-04 - Consultation

Federal/provincial/municipal consultation shall be encouraged in the formulation and evaluation of policies, legislation, funding programs and guidelines related to the provision of municipal recreation, parks and culture programs and services.

RP-05 - Volunteer Sector

Municipalities should be encouraged to recognize and promote the role of the

Transportation and Communications

volunteer sector in the provision of recreation, parks and culture programs. The Province should be encouraged to recognize and promote the role of the volunteer sector in the provisions of recreation, parks and culture programs in considering legislative and policy changes.

TC-01 - Policy

Roads and public transit systems are vital components of community life. Capital and operating costs to maintain the high standards of such systems place a burden on the municipality. As the property tax does not adequately meet these needs, financial support through other revenue sources now available only to the provincial government is necessary.

TC-02 - Consultation

Municipalities must be included in any discussions with the federal and provincial governments that could affect changes to our transportation and communications systems.

TC-03 - Transportation and Dangerous Goods

Municipalities should have the legislative authority to assume the lead role in the event of an emergency involving the transportation of dangerous/hazardous goods.

The federal and provincial governments, in consultation with municipalities, should enact legislation regarding the transportation of dangerous/hazardous materials.

AMO and the Provincial Cabinet

On March 30th, the Town of Perth and the County of Lanark served as the location for the AMO presentation to the Premier and members of the Ontario Cabinet.

The principal theme of the AMO presentation focused on provincial-municipal relations, municipal autonomy and current state of consultation between the Government of Ontario and the municipal sector. In her opening comments, AMO President Doris Brick stated, "Our presentation to you today presents a series of comments and recommendations to enhance our communication and hence the provincial-municipal partnership."

The AMO submission included recommendations for policy changes to increase municipal autonomy in areas relating to the Planning Act, special boards and commissions, lot levies, municipal finance, the Police Act and the Fire Departments Act. The submission also addressed the question of the government's intended legislation with respect to open Sunday shopping in terms of provincial responsibility. On this point, the AMO submission stated, "Policy decisions which have a broad social, economic and employment impact on all citizens should be provincial decisions ... AMO would prefer that the provincial government act on those many other issues which would truly enhance municipal autonomy, rather than give to the municipal sector a political problem that the province does not appear to have the will to resolve."

With regard to municipal finance, the Association addressed several areas. AMO requested that the province implement an enriched capital and operating grant program for municipal sewage treatment plants and systems, in conjunction with the new environmental regulations under the Municipal-Industrial Strategy for

Abatement (MISA) program. On the issue of provincial-municipal finances, the submission proposed "that current financial arrangements needed adjustment Municipalities have less flexibility than ever before in responding to local needs, and there is an increasing inability to respond to new government regulations." The Association requested that the Government establish a provincial-municipal committee for the development of a new and responsive provincial-municipal transfer payment system.

Doris Brick concluded the presentation by saying, "AMO has concerns about the changing expectations for municipal government. The Association notes that on an individual basis, ministry by ministry, the impact of new programs, the addition of another cost-shared service and a new regulation, does not appear significant. AMO is concerned, however, with the collective impact. Both levels of government need to think more in a long-term strategic manner about the future of the provincial-municipal partnership. AMO would like to assist in the development of a new balance and arrive at a new partnership in which the interests of both are more harmonious."

The above sets the theme of the Association's relationship with the provincial government over the past year. The Association feels that much has been achieved for you our municipal members. For example the Ministry of Municipal Affairs and other related Ministries have agreed to the concept of a committee on provincial-municipal finance, such committee to begin its work this fall.

For further details refer to AMO Report 88-4 - AMO Submission to the Provincial Cabinet.

Administration and Legislation

MUNICIPAL OPTION ON SUNDAY SHOPPING

On May 25th, the Government of Ontario introduced legislation delegating to municipal councils a broad authority for Sunday retailing. For this purpose Bill 113 - An Act to amend the Retail Business Holidays Act was introduced.

At the 1987 Annual Conference of the Association two "pre-eminent" resolutions on the subject were presented.

The delegates overwhelmingly supported rejection of delegation of such authority to municipal councils. It was following the provincial election that the government declared its intention.

Given the mandate of the 1987 Annual Conference, the AMO Board of Directors at its January meeting endorsed a motion advising the Premier that the Association was opposed to his Government's proposal. The AMO view was supported by approximately one hundred and fifty (150) municipal councils.

In subsequent discussions with the Solicitor General and the Minister of Municipal Affairs, the AMO Executive Committee advised that the Association was not prepared to "negotiate" on the best method of introduction of local option through legislation. However, the Executive indicated the Association's willingness and desire to review the present legislation for the purpose of correcting what the Government has described as "inadequacies" and "unfairness" within the legislation. This message was also transmitted to the Premier and the members of his Cabinet at a meeting on March 30th. The Association's offer was rejected.

On April 15th, the President advised the Premier, the Solicitor General, the Minister of Municipal Affairs and the leaders of the opposition parties, of AMO's recommendation that proposed legislation be referred to a Standing Committee of the Legislature and that the Standing Committee be required to hold hearings throughout of the province. This proposal was accepted and announced at the time of the introduction of Bill 113 on May 25th.

Also introduced on May 25th, was Bill 114 - An Act to amend the Employment Standards Act. This companion legislation sets out the right of a retail employee to refuse "unreasonable" Sunday assignments and establishes procedures and a process for mediation by an employment standards officer and subsequent referral to an independent referee. Putting aside the appropriateness of the bill's proposals, the Association is concerned about the possible extension of the principles within Bill 114 to the municipal sector and this impact on municipal collective agreements and employee remuneration.

The President, Doris Brick, will lead the AMO delegation before the Standing Committee on the Administration of Justice on August 9th, at Queen's Park. The Association also urges municipal councils to seek the opportunity to appear before the Standing Committee, at its hearings throughout Ontario.

BILL 34 - FREEDOM OF INFORMATION AND MUNICIPAL GOVERNMENT

Bill 34, An Act to provide for Freedom of Information and Protection of Individual Privacy, received Royal Assent on June 29, 1987. The new legislation provides a right of access to government information

subject only to specified exemptions such as Cabinet records, law enforcement records, trade secrets, national defence records, personal information and records pertaining to health and safety of individuals.

While the bill came into effect in June of 1987, the new legislation will not apply to municipal governments until January 1, 1991. The Association has recognized that it may be difficult for municipalities to comply with all provisions in the Act, given the variety of administrative structures found in local government and in recognition of the fact that the legislation was designed for provincial government institutions. AMO requested that the Minister of Municipal Affairs establish a working group to develop a more workable alternative prior to the date when the legislation comes into effect for municipalities.

In response, the Association of Municipalities of Ontario, the Ministry of Municipal Affairs, the Association of Municipal Clerks and Treasurers and the Management Board of Cabinet have established a working committee to examine the provisions of Bill 34 and develop standards and procedures appropriate to municipalities and to review the question of open meetings and identify problems and possible solutions.

The working committee is expected to produce its recommendations in the fall of 1988.

CEMETERIES ACT REVIEW

The Cemeteries Act, which has not been changed in any substantive way since 1955, is currently under review by the Ministry of Consumer and Commercial Relations. The Association's Legislative

and Resolutions Committee met with Ministry officials to discuss various aspects of the new legislation. In directing its concerns on the Cemeteries Act, the Association addressed only those matters which directly impacted municipalities. The Committee's response to proposed changes to the Cemeteries Act were endorsed by the Association's Executive Committee in late December of last year and then forwarded to the Ministry of Consumer and Commercial Relations. Committee members John Trudgen, Clerk, Township of Dover, and Morris Darby, Reeve, Township of Tiny, have been appointed to continue further dialogue with the Ministry on the Committee's behalf. To date, two such meetings have taken place. The Association anticipates new legislation will be available for comment in August.

MUNICIPAL ACT AMENDMENTS

Bill 59, An Act to amend the Municipal Act and certain other Acts related to municipalities received Royal Assent on June 8th, 1988. The legislation updates many of the provisions of the Municipal Act in order to ensure efficient and effective operation to meet the changing needs of municipal government. The Association, for the most part, supported many of the amendments especially those provisions which address a number of longstanding AMO requests for amendments to the Act.

While many are of a "housekeeping" nature, there are a few significant amendments that municipalities should be aware. These include:

- revisions to the procedures for electing a county warden;

- . increase of the maximum annual tax levy from \$50 to \$75 on universities, colleges, correctional institutions, hospitals, etc.
- . exemption of municipalities from the requirement to pay fees to school boards with respect to children who live in municipally owned trailer camps or parks, if the trailers are liable for assessment and taxation under the Assessment Act
- . increase of penalties for contravention of sewage bylaws to \$5,000 for the first offence and \$10,000 for any subsequent offence for individuals and \$25,000 and \$50,000 respectively, for corporations.
- . extension from the 14-day period for the payment of municipal taxes to 21-days, prior to which penalty charges for late payment may not be imposed.
- . extension from the 14-days to 21-days for the collection of overdue taxes by distress.
- . provision to permit municipalities to refund taxes where a clerical error has been made in the preparation of the assessment roll.

With respect to the last point, the Association had requested the Minister of Municipal Affairs to delete this new provision.

The provincial government has proceeded to implement the new tax refund provision in Bill 59 as a short-term approach. As a long term solution the Ministry of Municipal Affairs has undertaken a comprehensive review of the sections in the Municipal Act pertaining to tax refund and tax apportionment adjustments. AMO is currently participating in

a provincial/municipal working group to develop suggested revisions to Sections 406, 407, 495, 496, 496a and 497 of the Municipal Act regarding property tax adjustments.

AMO RESPONSE TO THE REPORT OF THE ADVISORY COMMITTEE ON COUNTY GOVERNMENT

The Association has been commenting on various matters related to county government for a number of years. It is suspected that the many communications forwarded to the government on such subjects as waste management, emergency planning, children's aid societies and election of county wardens resulted in the formation of a Municipal Affairs Advisory Committee on County Government in February, 1987. One year later, the Report of the Advisory Committee on County Government was released. The report contains 36 recommendations related to the representation and functions of county governments.

To respond to the Report of the Advisory Committee on County Government, the Association put together a Joint Section Committee made up of representatives of its affected constituent Sections. The Joint Section Committee's draft report was considered by the four affected Section Executive Committees and was approved, as amended, by the AMO Board of Directors in May, 1988.

AMO, while supportive of much of the Report's recommendations, offered some unique solutions on composition and representation. In particular, AMO supported the recommendation that county council be composed of the heads of council of all local municipalities within the county, and that a local municipality have at least 2500 electors

for entitlement to a second county councillor or a second vote, and should use multiples of 2500 to determine entitlement to additional votes only.

The Association is confident that its recommendations on functions of county governments will be considered seriously, particularly those dealing with special purpose bodies and waste management. The AMO position is being considered by a group of M.P.P.'s appointed by the Minister to study this subject. Hopefully, the AMO position will be given positive consideration prior to the expected introduction of a "White Paper" or draft legislation.

For further information refer to AMO Report 88-5 - AMO Response to the Report of the Advisory Committee on County Government.

AMO AND THE SPECIAL OCCASION PERMIT SYSTEM

In response to concerns identified by municipalities across Ontario, the Association spent some time this past year providing input to the government on the development of a new special occasion permit (SOP) system and attempting to solve the provincial/municipal administrative problems with the existing system.

A Future System

In the fall of 1987 AMO forwarded comments to the Minister of Consumer and Commercial Relations on the "Report of the Advisory Committee on Liquor Regulation". The Association's main concerns were with the proposals for a new special occasion permit system and the potential municipal liability. The

Association strongly opposes any proposal for a resolution of council for permits for fund-raising events. AMO suggested that social events should still have access to a SOP to enable such events to be held in municipal recreation facilities and community halls. Community groups should not have to obtain tax exempt status with Revenue Canada. Municipalities should not issue permits for out-door events on private property. And, finally AMO recommended that a new administrative mechanism for obtaining municipal clearances for SOP events be developed.

Recently the Minister of Consumer and Commercial Relations communicated to AMO that the Ministry would like to work with AMO to develop a better special occasion permit system. This will likely be initiated this fall.

The Existing SOP System

In February 1987 the LLBO began to more rigorously enforce its requirements for clearances from municipal building, fire and health departments prior to issuing special occasion permits. The LLBO would only issue a permit for a premise which had been approved by building, fire and health officials. Needless to say this caused considerable consternation for municipal staff.

In the fall of 1987 the Association and the LLBO established a working group to find a "creative" solution to municipal administrative problems created by this change in government policy and to solve the LLBO's need of some assurance of public safety.

As a result of these joint discussions, the LLBO issued a directive in April 1988 indicating that the LLBO would no longer require municipal inspections (with the

exception of tent structures) and would return to its former pre-1987 procedures. Most of the municipal concerns have been satisfied by this return to past procedures.

In May 1988 the Minister of Consumer and Commercial Relations thanked the Association - "I want to take this opportunity to express my appreciation to the municipal representatives and to AMO staff who devoted their time and energy in resolving the concerns regarding the requirements for municipal building, fire, and health authority inspections for special occasion permit events."

MUNICIPAL FRANCHISE AGREEMENT MODEL

In the summer of 1986, the then Chairman of the Ontario Energy Board, Robert W. Macaulay, invited AMO to act as the focus and facilitator for municipal participation on a "Municipal Gas Franchise Agreement Committee". The primary purpose of the Committee was to bring together representatives of the natural gas industry, the municipal government sector and the Energy Board to study and to make recommendations for the implementation of a "municipal franchise agreement model". The model agreement was to provide a framework for future franchise negotiations.

In August, 1986, the Association appointed the following municipal representatives to the task:

James Becking, P.Eng., Director of Operations, Transportation Department, Regional Municipality of Ottawa-Carleton

Walter Coulter, P.Eng., City Engineer, City of Chatham

Robert Foulds, Clerk-Administrator, County of Kent

Donald Redmond, P.Eng., City Engineer, City of Sault Ste. Marie

In December of 1987, the Association was advised that the Municipal Gas Franchise Agreement Committee had completed its task with the creation of a model agreement. An additional bonus was the development and publication of a "franchise handbook". The Energy Board directed that a copy of the model agreement and the franchise handbook be forwarded to all municipalities having agreements with natural gas utilities.

In offering its support to the model agreement and the handbook, the Association also congratulated the members of the committee as well as the then Chairman of the Ontario Energy Board on having brought this challenging task to a successful and productive completion.

SHOULD TRAILERS BE LICENSED?

Many owners of recreational trailers do not move about from place to place but occupy one campsite for several months or years. It is estimated that there are some 65,000 - 67,000 of these "seasonal" trailers in Ontario.

The trailer occupants require municipal services such as garbage collection, fire protection, parks, etc. However the current Municipal Act prohibits municipalities from charging adequate fees to recover revenues for providing these services.

For the past year AMO, the Ontario Private Campground Association, and

several Ministries of the Ontario Government have met to attempt to resolve municipal problems regarding financing for services and the campground owners' viewpoint that revenues should be generated without penalizing the "seasonal" trailer users and the private campground owners. The meetings were facilitated by the Ministries of Municipal Affairs, Tourism and Recreation, and Revenue. Over the course of the year the committee has looked at such things as assessment of trailers, business assessment on trailer sites, lot licensing, vehicle licensing, and unconditional grants.

The AMO Board of Directors recently put forward the following position:

that the legislation be amended to permit the collection of a fee per lot for seasonal trailers in all private campgrounds situated within a municipality, such fee to be established in regulation and indexed annually in accordance with inflation. The Association supports a minimum fee of \$50 per lot to be collected by the campground owner and transferred to the municipality. The fee would apply to all lots regardless of whether occupied or not.

The Association will continue discussion on this position with the government and the Ontario Private Campground Association in the upcoming year.

ON-GOING REVISIONS TO THE ONTARIO BUILDING CODE

In July 1986 the Ministry of Housing announced that the Ontario Building Code would be reviewed on the basis of the 1985 National Building Code and some proposed Ontario initiated amendments.

Since 1986 there have been on-going revisions to the Code, and AMO has taken a particular interest in some.

Part of the review is the consolidation of all construction regulations of other Ministries and Acts under one piece of legislation, the Ontario Building Code. Some areas of consolidation are hotel and fire safety, health care facilities, the plumbing code, the Liquor Licensing Act and the Natural Gas Handling Act.

In December 1987 the Association forwarded comments on the streamlining of the plumbing code provisions into the Ontario Building Code. Later in the year AMO, with the assistance of the Ontario Building Officials Association, an associate member, prepared comments on the Ministry of Housing Discussion Paper on Proposed Amendments to the Ontario Building Code. The Association strongly supported OBOA in their cautious approach to the Certified Professional Program. AMO disagreed with the Ministry's proposals regarding the issuance of "foundation permits" prior to the completion of building and planning approvals.

AMO will continue to monitor the Ministry of Housing's review process of the Code and will prepare comments, using the expertise of its members.

Assessment and Taxation

JOINT PROVINCIAL/MUNICIPAL COMMITTEE ON BUSINESS ASSESSMENT

In the Fall of 1987, the Association was advised that the Minister of Revenue, the Honourable Bernard Grandmaitre, was proposing a change to Section 7(1)(a) of the Assessment Act regarding the business assessment of distilleries from the present 140 percent ratio to a ratio of 75 percent. The Minister stated that his initiative to restore equity in the business taxes for distillers was in direct response to a unanimous recommendation of the Standing Committee of the Legislature's review of Bill 131, Assessment Amendment Act, 1986.

On December 21st, 1987, the Association advised the Minister of Revenue that it was opposed to the proposed change. AMO reiterated to the Minister the proposals contained within its response to the provincial report "Taxing Matters: Assessment of Property Taxation in Ontario" (AMO Reports 86-3), which questioned, in particular, the rationale for distillery assessment. While the Association contended that property taxation reform must include the principle that a business tax should apply in a manner that disregards the status of the occupant and the nature of the business, it could not support what it considers to be a piece-meal approach to business assessment reform. Therefore, the Association urged the Minister, as it did in its response to "Taxing Matters", to review in totality the issue of business assessment and the question of the application of a uniform business assessment rate.

The Honourable Bernard Grandmaitre, subsequently advised President Doris Brick of his willingness to proceed as proposed by the Association. A provincial/municipal committee under the

chairmanship of W. J. Lettner, Assistant Deputy Minister, Property Assessment Program, is in the process of establishment and will commence its examination and study in September.

Employer-Employee Relations

AMENDMENTS TO THE FIRE DEPARTMENTS ACT AND THE POLICE ACT

Amendments to the Fire Departments Act and the Police Act continue to be on AMO's agenda. The concerns are twofold. First, the current model of collective bargaining under each Act does not keep in step with other pieces of bargaining legislation in Ontario and the system of binding arbitration accompanying each model is not fair to both parties. Second, to the extent that police and fire services are regarded as essential to public safety and welfare, certain generally accepted management rights that have a direct bearing on the effective administration of these services remain unprotected.

For over 14 years AMO has attempted to gain the necessary amendments to both Acts but AMO is still awaiting action.

In November 1987 AMO representatives met the Solicitor General, Joan Smith, to discuss a course of action. The Solicitor General suggested that the initial approach may have been wrong and that a detailed exploration of the intent behind each party's recommendations was in order. In effect, policy decisions would be made first and then specific wording could be developed based on the policy decisions.

As a result, the Solicitor General charged her Assistant Deputy Minister with the task of visiting the interest groups, seeking out their intentions and presenting to her a report on various options. In January the Assistant Deputy Minister met with AMO staff and began to explore in greater detail the reasons behind AMO's recommendations.

It should be noted that this approach differs from the past process. In the

past a committee of representatives from the various interest groups attempted to develop a joint report for eventual tabling with the Minister. The reports never reached the Minister. In this instance, however, the Minister has specifically appointed a member of the Ministry staff to present a report of options directly to her and presumably, based on this, recommendations will be made to Cabinet.

At the same time as the meeting with the Solicitor General in November 1987, a debate took place in the Legislature on a resolution introduced by M.P.P. Frank Faubert. The resolution called for amendments to the Fire Departments Act as per AMO's recommendations but was not supported. However, the debate is still significant as it gives important information on the views being taken by all three provincial parties. The proceedings of the debate can be found in the November 26th, 1987 edition of Hansard.

More recently the Ministry sent to each group the recommendations of the others for purposes of comparison. Unfortunately, in recent months, both the Deputy Minister and Assistant Deputy Minister have left the Ministry causing more delays. AMO is presently awaiting new appointments and word as to whether the new process will be continued for both Acts.

For further information refer to AMO Report 87-1 - A Proposed Model of Collective Bargaining and Required Amendments to the Fire Departments Act and Report 87-9 - A Proposed Model of Collective Bargaining and Required Amendments to the Police Act.

PROVINCIAL FIRE SERVICE ADVISORY COMMITTEE ON OCCUPATIONAL HEALTH AND SAFETY

In 1975 the Ministry of Labour established the Firefighter Occupational Health and Safety Advisory Committee, a joint labour/management committee with a mandate to give advice to the Minister of Labour on new regulations related to clothing and equipment for firefighters. The Committee is comprised of representatives from AMO, the Fire Chiefs Association, the Provincial Federation of Firefighters, the Ontario Professional Firefighters Association (OPFFA) and the Fire Fighters Association of Ontario (FFAO).

In the past AMO expressed concern on the mandate of the past committee. Concern was also expressed about its structure of representation which favoured labour. In 1986 AMO's representative withdrew from the committee and earlier this year the Fire Chiefs withdrew.

In March of 1986, the then Solicitor General, Ken Keyes, in joint consultation with the Ministry of Labour announced a plan that would replace this committee with two new committees - a joint Ontario Fire Services Health and Safety Committee with a full-time Executive Officer to deal with day-to-day administrative matters and a Technical Committee to deal exclusively with equipment and clothing. Both would have equal labour-management representation.

Meetings were held in June 1988 and November of 1987 at which time the Deputy Solicitor General was informed by AMO that, in principle, it favoured such moves. With similar agreement from the other organizations represented, preliminary discussions have begun on logistical

matters and the process for the selection of representatives. However, the question of whether the Ministry of Labour or the Ministry of the Solicitor General has jurisdiction, remains unresolved.

On June 20, 1988 the Ministry of Labour called a special meeting of the three firefighters associations, AMO and the Fire Chiefs to announce its intent to create a refurbished joint occupational health and safety committee under its jurisdiction in accordance with Section 11 of the Occupational Health and Safety Act.

The preliminary terms of reference are:

- 1) the committee would be a joint committee with equal representation from labour and management
- 2) it would be jointly co-chaired by one management representative and one labour representative
- 3) the committee would deal only with issues of occupational health and safety
- 4) agreement on matters would be made by consensus
- 5) meetings would be held quarterly and the expenses of committee members would be reimbursed by the Ministry of Labour
- 6) the committee would report to the Director of the Industrial Health and Safety Branch
- 7) part of the committee's work would be to develop a health and safety manual as guidelines for good practices

- 8) a new secretariat position would be created to act as a full fire inspector under the Act with the authority to issue orders. By conducting inspections, he or she could keep track of trend issues and make periodic reports to the Committee.

Further meetings are planned to iron out some of the logistical details of operation but the Ministry is anxious to have the new committee begin its work before the end of the year.

MANDATORY RETIREMENT

The issue of mandatory retirement at both the federal and provincial levels continues to be heavily debated. Ontario remains one of the provinces that has yet to amend its legislation to eliminate retirement at age 65.

In January, a joint AMO-OMPA (Ontario Municipal Personnel Association) brief was provided to the Minister of Labour outlining courses of action that should be taken if mandatory retirement is eliminated.

Briefly the recommendations made were that:

- 1) any decision to eliminate age 65 mandatory retirement should include a two (2) year notice period to allow for the development and implementation of employee performance appraisal systems and the identification of any bona fide occupational considerations which would preclude employment beyond that age;
- 2) in considering the elimination of mandatory retirement at age 65, a specific set of bona fide occupational

criteria be established with which to evaluate those occupations where there is a legitimate reason for retirement at a specific age and that funds be allocated by the Province for the necessary development work and research. The work might be undertaken by AMO on behalf of the municipal sector or by selected municipalities with the results to be shared;

- 3) the payout from Long Term Disability benefit plans cease at age 65 years. Further this principle of terminating benefit payout at the current normal retirement age should be permitted as applicable, related to other employee benefits; and further that the appropriate flexibility and time be allowed for pension administrators to respond to any change in retirement age provisions, and;
- 4) funds be allocated by the Province to provide assistance in pre-retirement provisions for all employees through employers and provincial programs.

Recently a task force report on mandatory retirement entitled **"Fairness and Flexibility in Retiring from Work"** was released after a two-year study and recommended that mandatory retirement at age 65 be phased out over the next 3 years. It also goes on to recommend that there be exemptions to the phase-out on the basis of public safety in the areas of firefighting and law enforcement. However, the Minister of Labour has given no indication that he intends to pursue the recommendations of the task force. He has referred to the report as a "good background document".

COLLECTIVE BARGAINING GUIDELINES FOR MUNICIPALITIES

Each year AMO, in conjunction with the Ontario Municipal Personnel Association, produces for municipalities a set of guidelines to serve as parameters for negotiations. The guidelines are important in ensuring that settlements across bargaining units within a municipality and across a majority of municipalities are consistent.

This year the guidelines concentrated on the areas of contract language and paid benefits. While wages continue to be a key issue, the realization that benefits and the wording of certain provisions can impact on municipal budgets is beginning to hit home. As a result, this year's guidelines were considerably more detailed.

The recommendations suggest that compensation for 1988 be held to between 4% and 5% over 1987 rates and that total compensation be calculated on the end-rate increases for 1988 and not the annualized rate.

For further information please refer to AMO Collective Bargaining Guidelines, December 1987.

Environmental Control

MISA

In July of 1986, the Ministry of the Environment released a white paper entitled the Municipal-Industrial Strategy for Abatement (MISA). The intent of the strategy is to reduce the flow of toxic chemicals into provincial waterways by establishing a new set of measures for persistent toxic chemicals to replace the out-of-date pollution control systems now in place. The goal is to cap the total amount of each toxic contaminant from industrial and municipal polluters.

It was originally intended that the new regulations for the municipal sector, which are presently being developed by two technical committees, would be implemented by the end of 1989. The Association has two representatives on these technical committees. Prior to implementation of the regulations, the Association and other interested parties will be given a sixty day timeframe to review the draft regulations and provide comments.

While the original intent of the strategy was to have municipalities responsible for the 12,000 industries which discharge into municipal sewage systems, it appears that the Ministry, in response to the logistical problems associated with monitoring and abating pollutants from these industries, has decided to implement controls of these industrial discharges at source rather than at the municipal sewage treatment plant level.

The Association has expressed its concerns to the provincial government about the potential financial impacts that this program will have on municipalities. Municipal budgets will have to accommodate: capital improvements for existing facilities and for new sewage treatment plants; on-going monitoring by municipal-

ities of discharges into systems; technical expertise; and, fines for non-compliance.

For further information refer to AMO Report 86-14 - Response to MISA and AMO Report 88-4 - AMO Submission to Cabinet.

AMO AND THE ENVIRONMENTAL ASSESSMENT IMPROVEMENT PROJECT

This spring the Ministry of the Environment announced a review of the Environmental Assessment Act. This project, the Environmental Assessment Improvement Project (EAPIP) will look at opportunities to improve the legislation, regulations, policies and administrative practices of the Act. Reports and proposals for change are anticipated from the Ministry on an on-going basis over the next two years.

The Environmental Assessment Advisory Group's function is to communicate to all interested parties during all phases of the project. The Association will be one of the groups participating on the EAPIP Advisory Committee. AMO will have both staff and municipal representation at meetings to closely monitor issues.

As well, AMO is in the process of establishing with Ministry staff additional formal liaison between the Environmental Assessment Act study and the Association. AMO has suggested that as an organization representing a level of government, there should be closer communication. The Association is highly aware of the concerns of its members with many aspects of the Environmental Assessment process, and intends to bring these concerns to the attention of the Ministry of the Environment.

Finance

AMO AND THE PROVINCIAL BUDGET PROCESS

The Association welcomed the reforms to the budget process initiated by the Ontario Treasurer in 1985, and has participated fully in pre-budget consultations by appearing before the Standing Committee on Finance and Economic Affairs, by meeting with the Treasurer, and through a number of follow-up initiatives.

In 1988 the Association recommended that:

- . the level of transfer payments to municipalities should be at least equal to the increase in provincial revenues. In 1986-87 provincial revenues increased by 10.0 percent over the previous year. In 1988-89, provincial revenues are anticipated to increase by 11.8 percent;
- . the level of funding for the unconditional grants program be increased;
- . the provincial government review the current municipal deficiencies in municipal roads funding and significantly increase the Ministry of Transportation budget for municipal roads;
- . the provincial and federal governments financially assist municipalities in the implementation of the Municipal-Industrial Strategy for Abatement (MISA);
- . the provincial government pursue a tri-level financial agreement for the overall funding of infrastructure;
- . the non-profit housing allocation be increased;
- . the provincial government assume a

greater proportion of the cost of social services;

- . the provincial government provide a minimum of 60 percent funding of total school board expenditures and;
- . the provincial government pursue with the federal government the position that municipalities not bear a greater tax burden under a national sales tax than they would under the existing sales tax regime.

AMO's recommendations were partially realized for municipal roads funding as the government provided an increase of 8.9 percent over last year. In terms of transit funding the Association felt that the 9 percent increase in funding would have little impact in light of the expanded eligibility criteria for disabled transit services.

The government announced several housing initiatives including increasing non-profit housing allocations, providing subsidies for the construction of university student resident spaces and increasing the shelter subsidy allowance.

The Association was, however, disappointed that the budget did not contain increased funding to the Ministries of Culture and Communications and Tourism and Recreation nor was there evidence that the government had substantially increased funding for municipal sewer and water infrastructure or education.

For further information see AMO Report 88-3 - 1988 Provincial Budget Submission.

UNCONDITIONAL GRANTS

Since 1986, the AMO Fiscal Policy Committee has been working with the

Ministry of Municipal Affairs in attempts at improving the current unconditional grants structure.

In August of 1987, the Association endorsed its recommendations for the 1988 unconditional grants program. These changes included:

- . Increase the amount of money allocated to the unconditional grants program so that improvements could be made.
- . Maintain the Resource Equalization Grant rate to 10 to 15 percent of the total unconditional grant program entitlement until such time as municipalities undergo Section 63 or full market value reassessment in order to make the grant more reliable and standardized.
- . All municipalities should receive approximately 50 percent of the total percentage increase in the unconditional grants program provided by the province for 1988 and that this 50 percent be decreased by 10 percent per year for each of five years.
- . Of the total unconditional grants program entitlement, approximately 50 percent should be directed towards the levy-based grants and approximately 40 percent should be directed towards household based grants.
- . The Police per Household Grant be included in the definition of the levy base for General Support Grant and Northern Support Grant purposes.
- . The \$3 per household ceiling on the Resource Equalization Grant should be replaced with one based on a uniform proportion of unconstrained entitlements and that increases be limited to 10 percent per year.

The Association was very pleased to note that the Ministry of Municipal Affairs endorsed all of AMO's above recommendations in the announcement of the 1988 unconditional grants program in December of 1987.

For further information see AMO Report 87-11 Unconditional Grants proposal for 1988.

FINANCING EDUCATION

The Association of Municipalities of Ontario has a particular interest in the future impact of school funding on the local tax base. School taxes have contributed more to the recent rise in local taxation, growing 9.0 percent per household on an annual basis since 1981, compared to 7.7 percent annual growth in municipal taxes. In addition, school board taxes, province-wide, represent over 50 percent of the total municipal tax levy.

In recent years the provincial government has initiated various programs to improve the overall educational system in the Province and AMO is concerned with the impact that these new programs have on the property tax base.

In addition to new programs and services the provincial government has introduced, for discussion purposes, various alternative mechanisms for funding education such as the pooling of commercial and industrial assessment for education purposes. The government has also recently extended funding to separate school boards. Each new program and service and each proposed new financing arrangement has an impact on the property tax base.

The Association in 1987 undertook an analysis of the current system of education finance in the Province of Ontario including a brief review of the different methods of education finance in the other provinces and a review of the historical patterns of education finance in Ontario. The bulk of the analysis was however, dedicated to the current system of education finance in Ontario as well as options to the current funding arrangement.

Through its analysis AMO presented several recommendations to the provincial government, including: an increase in funding to 60 percent of total school board expenditures; revisions to the system of apportionment so that the school tax burden will be shared on a more current and equitable basis; the rejection of pooling of commercial and industrial assessment for education purposes; the rejection of a property tax credit program for residential and farm ratepayers; and that the provincial government ultimately assume 100 percent of the cost of education.

For further information see AMO Report 88-1, Education Funding in Ontario.

EDUCATION APPORTIONMENT: BILL 100 - AN ACT TO AMEND THE EDUCATION ACT

Bill 100, An Act to Amend the Education Act, which received Royal Assent in July, 1988 removes a municipality's right to appeal to the Ontario Municipal Board in instances where the sharing of school taxes between municipalities within a school board area imposes an undue burden on ratepayers.

Only local municipalities can levy property taxes to finance municipal and

school requirements. The financial requirements of school boards above provincial grants are raised using the assessment base of each municipality within a school board area. To determine the amount of school taxes to be raised by each municipality within a school board area, the school board makes an apportionment to each municipality based on a formula set under the Ministry of Education's regulations.

The new legislation allows the Ministry of Education to make a school board apportion, and thus cause a municipality to levy taxes, on any basis the Ministry of Education pleases without municipal review or appeal.

Since all municipalities have not undergone property reassessment, each year the Ministry of Revenue publishes equalization factors which attempt to bring all municipal property values throughout the province to the current market values. In this way all municipalities are comparable for municipal grant and education tax purposes. The Ministry of Education has however been using out-of-date equalization factors - based on 1969 market values. This has caused some municipalities to pay more than their fair share of education taxes.

To correct this situation for 1988, the Ministry of Education has introduced new apportionment equalization factors. Municipalities will not however be able to appeal these new factors as Bill 100 removes their right to appeal.

The Association acknowledges all those municipalities which endorsed our resolution opposing Bill 100. While these resolutions supported AMO's presentation to the Standing Committee on Social Development which reviewed the proposed

legislation, the bill was enacted without amendment.

For further information refer to AMO brief to the Standing Committee on Social Development, June 1988.

LOT LEVIES: A DEVELOPING ISSUE

Over the years AMO has attempted to obtain a clear and firm legislative base for collection of lot levies. To date these 10 year discussions have not produced results. However, take heart, it is becoming apparent that AMO is very close to achieving this goal.

As many members are aware the Association has been participating on a Lot Levy Front-End Financing Working Group since 1985 with the Ministry of Municipal Affairs, Urban Development Institute and Ontario Home Builders Association. Discussions have over the past two years run into several stalemates, primarily over the age old question of charging of levies for "hard" and "soft" services.

In November 1987, AMO held a very successful seminar on the subject. AMO's seminar had the dual function of educating municipalities about the intricacies of developing a municipal lot levy policy back home under the current vague and inadequate legislation, plus informing those in attendance of the issues under study by the Ministry of Municipal Affairs/AMO/Development Industry Working Group on Lot Levies.

In early May 1988 the Ministry of Municipal Affairs re-convened the Working Group for hopefully one last effort. The Ministry has prepared an informational brief which describes the history and the issues of contention. At the early June 1988 meeting of the group

the Ministry presented a staff proposal on a future framework for lot levy and front-end financing legislation. The Association representatives presented these Ministry staff proposals to the June AMO Board of Directors Meeting, and after considerable discussion the Association's Board of Directors supported in principle the concepts. In general the proposal suggests:

- . permissive legislation;
- . recovery through levies of 100% of all growth-related capital costs;
- . no distinction between "hard" and "soft" services;
- . application to all classes of development;
- . adoption of a lot levy by-law within two years of legislation being enacted;
- . a by-law developed through public consultation.

The Working Group is now at the stage of more clearly defining its views on such details as definitions of "capital", "growth-related" and "levels of service".

The Working Group had what is likely its last meeting on July 7, 1988. It was intimated at this meeting by the Ministry of Municipal Affairs that the government would be preparing a policy over the summer months, and that perhaps draft legislation would be introduced in the fall session of the Legislature.

The Association will be preparing a report on the bill, once introduced, and will keep its members informed. All municipalities are encouraged to watch for this draft legislation and forward their comments to AMO.

For more detailed information refer to AMO Report 87-8 - Discussion Paper on Lot Levies and Front-End Financing.

MUNICIPAL LIABILITY INSURANCE

The Association is continuing to monitor the issues surrounding municipal liability insurance - two years after the crisis.

In July of 1988, Bill 59, An Act to amend the Municipal Act and certain other Acts related to municipalities, received Royal Assent. Among other amendments the new legislation:

- . provides for the authorization of reciprocal insurance exchanges by municipal councils;
- . allows for council delegation respecting temporary closings of roads.
- . allows municipal councils to act as insurer to protect its employees against liability while acting in their capacity as employees including volunteers who are designated as employees by by-law;
- . gives municipalities greater authority to contract for insurance or act as an insurer in respect of protecting members of council and any local board from liability in the course of their duties.

With regard to risk management, the Association has been monitoring the progress of a risk management manual which is being prepared for all municipalities by the Municipal Finance Officers' Association. The manual is expected to be released in the early fall of 1988.

FEDERAL TAX REFORM AND ONTARIO MUNICIPALITIES

The Association has been waiting for the release of Phase 2 of the Federal Minister's tax reform proposals. Mr.

Wilson's preliminary document, released early last summer, leaves much to be desired in terms of definition or direction. Therefore, it has been extremely difficult to achieve a reasonable picture of the possible impact upon municipal government and the public sector institutions in Ontario.

The Association has expressed its appreciation to the Honourable Robert Nixon, Treasurer of Ontario, for his statement to the Legislature of Ontario, to the effect that he had requested the federal minister to "...provide either a plan for a tax-free approach or an appropriate compensation mechanism for provincial and other public sector transactions, should this new tax (system) be implemented".

The Treasurer of Ontario's message was conveyed to Mr. Wilson at a subsequent meeting and, as a result, Mr. Wilson announced that basic groceries, drugs and medical devices would not be included within a national sales tax program and that public sector institutions "... should not bear a greater tax burden under a National Sales Tax than they would under the existing sales tax regimes".

While the Association takes some comfort in Mr. Wilson's statement, the words "should not" are ambiguous enough for the Association to remain concerned over the potential impact on municipal government in Ontario. The Association will therefore continue to monitor developments.

Health and Social Services

THE PROVINCIAL-MUNICIPAL SOCIAL SERVICES REVIEW

In May 1987 the Honourable John Sweeney, Minister of Community and Social Services announced a provincial-municipal review process. This should not be confused with the review process already underway on Ontario's welfare system by George Thompson of the social assistance system. This study has a much broader context, with welfare comprising only one component.

The mandate of this joint committee of AMO, OMSSA and the Ministry of Community and Social Services is " -- to review the existing relationship of the province and municipalities with respect to the delivery and funding of social services and propose options for a more rational framework of responsibilities for service delivery and funding". (The Association's representatives to this process are: Ron Book, Councillor, Regional Municipality of Niagara and Co-Chairman; Nancy Smith, Alderman, City of Ottawa; Roger Taylor, Mayor, Town of Elliot Lake; and Dick Picherak, Commissioner of Community Services, Metropolitan Toronto).

The Provincial-Municipal Social Services Review Committee has met monthly since May 1987. In early May 1988 the committee produced a discussion paper for the purpose of seeking input. The committee also organized a series of consultation meetings across the province during the months of May, June and July 1988. Municipalities have been invited to send their comments by July 31, 1988.

The timeframe for the development of comments in response to the discussion paper is onerous for many municipalities. However, all are encouraged to send written reports, if possible, to the

Ministry and to AMO, even after the deadline for submission. This is likely one of the most important issues to face the Association and Ontario municipalities - the future municipal government role in delivery and financing from the property tax base of social services for our citizens.

The Association has spent its summer months attempting to develop a comprehensive report in response to the questions raised. The draft report "Pressures on the Partnership: A Preliminary Response to the Discussion Paper of the Provincial-Municipal Social Services Review Committee" will be the major item of discussion at the August 20, 1988 meeting of the AMO Board of Directors immediately before this year's Annual Conference. AMO anticipates sending a creative and balanced proposal to the government on the question of who pays for and who delivers the many social programs. This report will form the basis of discussions for AMO and its representatives on the Provincial-Municipal Social Services Review Committee in the up-coming months when discussion begins at the committee level again and the Review Committee presents its final report to the Minister of Community and Social Services in December of this year.

For further details refer to AMO Report 88-6 - "Pressures on the Partnership: Response to the Provincial-Municipal Social Services Review Discussion Paper" (to be printed after the August 20, 1988, AMO Board of Directors meeting).

NEW DIRECTIONS FOR CHILD CARE

On June 4, 1987, the provincial government released its long awaited policy paper on child care. Originally billed as a white paper, "New Directions for Child

Care" contains a combination of policy statements and issues for further discussion; call it a 'striped' paper! The reference point of "New Directions" is the government's commitment to "move child care from its present welfare connotation toward that of a basic public service". To this end, the current needs test for subsidy will be replaced with an income test. In terms of funding, the government will more than double its current spending over the next three years with new funding roughly split between capital grants, direct grants and subsidies. Other initiatives include implementation of a new Child Care Development Program to promote new models of service and the development of a new Child Care Act to replace the current "outmoded and inflexible" Day Nurseries Act.

"New Directions" impacts all municipalities. Currently, municipal involvement in child care is optional, however, local discretion may not be compatible with the government's accessibility goals. The shift to income testing will also impact the approximately 100 municipalities currently administering day care subsidies. The fundamental question that arises is whether municipalities should provide a mandatory basic level of service or whether a completely new model of service delivery is required.

AMO's response is not restricted to just those issues raised in "New Directions" nor does it restrict itself to provincial policy only. Rather, the report looks at child care from a broad perspective and attempts to make recommendations on the municipal role in child care. The report is preliminary in that the policy and program framework is not yet complete. For example, the negotiations between the federal government and the provinces on cost-sharing have not yet been completed. Provincially, the Ministry of

Community and Social Services has yet to set its income-testing policies.

The Association supports in principle the gradual movement towards more accessible and affordable child care. The Association recommends that the principle of local discretion be maintained but that municipalities should be encouraged, primarily through the incentive structure, to provide child care services. AMO believes that the responsibility for ensuring that service requirements are met should rest with the provincial government, which is better placed to ensure that a range of programs is developed in all areas of the province. Under this model, municipalities would be one of many service providers.

AMO has recommended that the provincial government provide 100% funding for capital construction and that the direct grants be funded 100% by the province. With respect to subsidies, the Association recommends that the provincial government assume a greater proportion of the cost of child care subsidies.

The Association has also examined the National Child Care Strategy in some detail and makes several recommendations in this regard. Other issues addressed include pay equity and transitional grants.

Since the forwarding of the document to the provincial and federal governments the Association has continued to closely monitor the child care scene.

In June 1988, AMO forwarded concerns regarding the new program of Direct Operating Grants for child care. AMO expressed concerns on the lack of prior consultation in the development of the guidelines for the Direct Operating Grant Program. AMO also strongly objected to the provincial government's

interference in the municipal collective bargaining process and in such a fundamental municipal function, municipal personnel and administration.

The Association will continue to monitor the child care scene, particularly in relation to the Provincial-Municipal Social Services Review and the forthcoming federal Child Care Act.

For further information refer to AMO Report 88-2 - Preliminary Response to New Directions for Child Care.

ONE STOP SHOPPING: COMMUNITY PROGRAMS FOR SENIORS

In 1986 the Office for Senior Citizens Affairs released a provincial white paper: "A New Agenda: Health and Social Services Strategies for Ontario's Seniors". For over a year AMO has attempted to develop a consensus on the involvement of municipal government in community support service for seniors. Several draft reports have been hotly debated by two separate meetings of the AMO Board of Directors in October 1987 and January 1988.

The Association of Municipalities of Ontario has examined a variety of options for a new and expanded delivery system of community support programs for the elderly. The Association, on behalf of the municipalities of Ontario, supports the key initiatives of the provincial government as announced in August 1986: the review of the extended care legislation and regulation of rest homes, and the development of a one-stop-shopping approach to community services for seniors.

The 1986 provincial report suggested the growing seniors population should be served by: a single point of entry for

senior services; comprehensive assessments; the provision of necessary services; monitoring and follow-up as needs change.

AMO has examined a variety of options for delivering a comprehensive community support system which would accomplish the above and ultimately prevent unnecessary institutionalization. AMO's primary goals have been a policy direction which would lead to a more effective and affordable system of health and social services for the elderly, affordable for the provincial and municipal levels of government, and accessible and affordable for the senior citizen.

The pros and cons of various ways to deliver community services has been examined: a provincial special purpose board, municipal special purpose boards, provincial delivery, municipalities as contract agents, a provincial-municipal partnership.

As noted the Association has not yet concluded its debate on this issue. A key concern is the future financial role of municipal government in providing such services from an already overburdened tax base. However, a strategic direction regarding delivery and funding of community support services will be established by the Board of Directors in August 1988 when it debates the AMO response to the Provincial-Municipal Social Services Review. Once the municipal policy direction has been established, the above issues will be resolved, and the report concluded and forwarded to the Ontario government as part of a social service package.

For further information refer to AMO Report 88-7 - "One-Stop-Shopping: Community Programs for Seniors" to be printed early this fall.

Housing

AMO/INDUSTRY/GOVERNMENT COMMITTEE ON REGULATORY REFORM IN THE PLANNING, BUILDING AND DEVELOP- MENT PROCESS

Last Spring the Premier of Ontario directed that priority be given to the subject of the affordable housing. Mr. Peterson requested that AMO, together with representatives from the housing industry and the Ministries of Municipal Affairs and Housing, come together on a committee on regulatory reform, the purpose of which would be to find ways to decrease time lags in the current planning, building and development process in order to facilitate affordable housing. The working committee's mandate is to examine the regulatory process existing at the provincial and municipal levels of government.

The working committee, comprising three representatives each from AMO, the housing industry, and the government, will be supported by a technical working group of representatives from the three sectors as well as a consulting firm familiar with all aspects of the subject. The Association has completed its appointments to the committee and the working group.

The report of the committee is to be in the hands of the Ministers of Municipal Affairs and Housing by October 31st, 1988.

THE RENTAL HOUSING PROTECTION ACT

In 1986 the Ontario government introduced the Rental Housing Protection Act as a response to concerns over the loss of affordable rental housing primarily through conversion of buildings to

condominiums, demolitions, severances, and through luxury renovations.

In 1986 AMO argued that the blanket approach of this legislation was inappropriate for all municipalities across the province, where rental housing was not an issue everywhere. The legislation has caused considerable planning and development and administrative problems for many municipalities.

The Act was to sunset in June 1988. However in April 1988 the Minister of Housing tabled in the Legislature a discussion paper "Rental Housing Protection Act: Future Directions" and has extended the existing legislation another year to accommodate a review and consultation process on the development of new legislation or alternative solutions to address the issue of how to conserve affordable rental housing. The deadline for response to the Ministry was July 1, 1988. AMO has advised the Minister of Housing that it cannot respond in this short timeframe due to the number of other equally important housing/development issues also recently released from the Ministries of Municipal Affairs and Housing.

The Association is just beginning to closely examine the discussion paper. Comments on the report have been received from several municipalities and these, plus committee discussions, contact with interested groups, etc. will provide some background in preparing comments to the government on the municipal perspective. Members who have examined the discussion paper are urged to forward their comments to AMO.

For further information refer to AMO Report 87-4 - Response to the Rental Housing Protection Act.

AMO AND THE RESIDENTIAL RENTAL STANDARDS BOARD

The Residential Rental Standards Board was formed by the Ministry of Housing in 1987 under Bill 51 (the rent review legislation) to ensure that landlords do not benefit from automatic rent increases, where they are failing to adequately maintain their rental properties. AMO has been somewhat involved in this Board and has closely monitored its activities through its representative on the Board, Marlene Catterall, City of Ottawa, and past President of AMO.

To carry out its mandate this Board is empowered to:

- . receive an order against residential rental property issued under municipal property standards by-laws or other legislation;
- . develop a standard and inspection capacity where no property standards by-laws exist or where it is determined that they are inadequate for the purposes of this legislation;
- . advise the Minister through the Rent Review Office where properties are not being adequately maintained so that rent increases are held back;
- . recommend a longer-term system to the Minister to ensure that the supply of rental housing is maintained in acceptable condition.

Throughout the fall of 1987 and in 1988 AMO provided specific comments to Residential Rental Standards Board on procedures and on a draft property standard by-law developed by the Board to fulfill its above mandate. AMO strongly opposed any direction of the

RRSB in imposing provincial property standards on municipalities.

The Board is in the process of preparing a report to the Minister on future mechanisms of ensuring adequate maintenance of rental units. It is likely that the committees and Section Executive Committees of AMO will review these proposals this fall and comment to the government.

For further information refer to communications to the Honourable Chaviva Hosek, Minister of Housing.

Municipal Elections

MUNICIPAL ELECTIONS

The municipal elections process, as would be expected, has been a subject of considerable interest to the Association over a great many years. More recently, the Association submitted detailed responses to the two reports of the Ministry of Municipal Affairs' Advisory Committee on Municipal Elections- "Issues and Options: An Interim Report on Municipal Elections in Ontario" (August 1986) and "Local Government Elections in Ontario - Final Report" (February 1987).

The introduction of Bill 106, An Act to amend the Municipal Elections Act and the Municipal Act, on April 5th, 1988 provided the most recent opportunity for the Association to speak on this subject.

On May 19th, the President of AMO, Doris Brick, headed an Association delegation before the Standing Committee on General Government at Queen's Park on Bill 106.

Before presenting the AMO response to a number of certain aspects of the proposed legislation to the Standing Committee, the President took the opportunity to congratulate the Honourable John Eakins, Minister of Municipal Affairs, on having brought forth legislation that was not only innovative and challenging, but which contained many of the recommendations proposed by AMO in its responses to the reports of the Advisory Committee. The President noted that AMO accepted the necessity and urgency of proceeding with the legislation as quickly as possible in order to fully acquaint candidates and election officials with the new procedures and requirements. However, having accepted this condition the President advised the Standing Committee that its

submission must be considered a "preliminary" response.

The presentation was forwarded to the membership as an AMO Newsbill - AMO Comments on Bill 106, - An Act to amend the Municipal Elections Act and the Municipal Act, May 1988.

For further information refer to AMO Newsbill - AMO Comments on Bill 106- An Act to amend the Municipal Elections Act and the Municipal Act, May 1988.

Planning and Development

AMO AND POLICY STATEMENTS UNDER THE PLANNING ACT

The Planning Act, 1983 in Section 3 provides for the issuance of policy statements on matters that the Ontario government regards as being of "provincial interest".

There is a specific process for the development of these planning policy statements. Depending on the nature of the issue, policy statements may be issued by the Minister of Municipal Affairs alone or jointly with other Ministers whose responsibilities affect local planning. The consultation process for draft planning policy statements is formalized with the Association of Municipalities of Ontario (and with other interest groups). Copies of a proposed policy statement must be sent for comment to all municipalities in Ontario. There has been an arrangement since 1982 between the Ministry of Municipal Affairs and AMO, that the Association will co-ordinate the municipal responses, and AMO will act as the collective voice for the municipal sector in preparing reports to the government on Planning Act policy statements.

To date there is actually only one Cabinet approved planning policy statement - Mineral Aggregate Resources, approved in 1986. The other close to completion is Flood Plain Policies (refer to next article). The following is a brief run-down on the status of various planning policy statements and AMO's involvement.

- . Foodland Preservation Policy Statement - due for re-release and consultation this fall. An AMO response to the first draft was prepared.
- . Wetlands - in process at the Ministries.

- . Environmental Compatibility - in process at the Ministries.
- . Heritage Conservation - in process at the Ministries.
- . Land-use/affordable housing policy (25% affordable, residential intensification, etc.) - to be released for public comment shortly.

The Association will be highly involved in preparing a response on behalf of its members on all of the above, when circulated to the municipal sector.

For further information on past work, refer to AMO Report 86-10 - Response to the Foodland Preservation Policy Statement and AMO Report 87-3 - Response to the Draft Flood Plain Policy Statement.

FLOOD PLAIN MANAGEMENT

In September, 1986 the Draft Flood Plain Statement was released by the Ministries of Municipal Affairs and Natural Resources for public comment. The Statement set out proposed policies related to development in flood plains.

In its 1986 response, AMO noted support of the flexibility of the Draft Statement but expressed some concerns with regard to higher regulatory flood standards, special policy areas and floodline mapping.

Over the past year, several Ministries have reviewed and re-drafted the Statement in response to comments received at the draft stage. The Ministries expect to release the finalized Cabinet approved Flood Plain Policy Statement early this fall.

BILL 94: AN ACT TO PROHIBIT DISCRIMINATION BY MUNICIPALITIES AGAINST UNRELATED PERSONS

Bill 94: An Act to Prohibit Discrimination by Municipalities against Unrelated Persons was introduced as a private members bill on January 7th, 1988. The bill proposes to "ensure that related and unrelated persons who occupy residential property will be treated equally under municipal zoning by-laws."

While this was a private members bill, the Association is also aware that the Ontario government supports the concept.

In a letter forwarded by the Association, AMO expressed concern with the impact this would have on the municipal authority to set what municipalities may determine as reasonable occupancy limits for residential buildings. The Association stated that due to related and well documented planning concerns, including structural capacity, noise, parking and other related impacts, it is reasonable for municipalities to set certain numerical limits on the use of residential property. AMO went on to express opposition to the diminution of the power of municipalities with respect to zoning by-laws.

The Association and Ministry of Municipal Affairs will be establishing a joint committee to look at alternative mechanisms to Bill 94, likely as an amendment to Bill 128 - An Act to amend the Planning Act, presently before the Ontario Legislature.

TRY, TRY AGAIN: AMENDMENTS TO THE PLANNING ACT:

Since the passage of Bill 159 into the current Planning Act in 1983, various amendments to the Planning Act were

proposed by the Ministry of Municipal Affairs throughout 1984 and 1985. AMO produced two reports in 1986 commenting on the proposed amendments and introducing a few AMO suggestions to amend the Act.

A large number of the amendments discussed in these reports were introduced as proposed legislation in the form of Bill 208 in February, 1987. This bill died on the order paper when the legislative session ended. The same bill was re-introduced in April of that year as Bill 13 and it also died on the order paper. Bill 128: An Act to amend the Planning Act was introduced this year on May 4th, 1988 and contained the same amendments as were in earlier versions of the bill as well as four new amendments.

The most significant of the bill's amendments, to most municipalities, is the reduction of the notice period for zoning by-laws from 30 days to 20 days with the possibility of a 10 day extension if initiated by a government agency. The Association is supportive of the vast majority of Bill 128 as it was introduced. The legislative session ended in the midst of second reading debate and the Association is hopeful that this fall, amendments to the Planning Act will actually be approved.

CONSERVATION AUTHORITIES REFORM

On Wednesday, June 29, 1988, the Honourable Vincent Kerrio, Minister of Natural Resources released a long awaited report which was prepared by an Inter-Ministerial Committee of Deputy Ministers on the subject of conservation authority reform.

The report, entitled "A Review of the Conservation Authorities Program" lists a

number of major problems of conservation authorities and goes on to make a number of recommendations related to the number of conservation authorities, size of membership on conservation authorities and financial issues.

AMO has been interested and involved in advocating certain reforms to conservation authorities for a number of years. The 1983 AMO Report on Conservation Authorities and the 1985 joint working group of the Ministry of Natural Resources, the Association of Conservation Authorities of Ontario and the County and Regional Section of AMO, advocated certain reforms in these areas.

This report will be reviewed in detail by the Association and an AMO response to this newly released report will be prepared shortly.

Transportation

PROPOSED DISABLED PARKING PERMIT

This year the Ministry of Transportation indicated an intention to introduce a Disabled Symbol Permit Program. The proposal is being developed to address problems identified with the current license plate program. The Ministry of Transportation has devised a new program involving the issuance of provincial special permits, bearing the International Symbol for the Disabled to identify a vehicle for parking in designated parking spaces and for other privileges specified by municipal by-law for handicapped parking.

AMO has always supported the concept of a "standard provincial permit" bearing the internationally recognized symbol. It provides the portability required, thereby allowing any vehicle transporting the disabled to take advantage of parking privileges.

Presently, discussion and consultation is underway for the drafting of a legislative framework for disabled parking that would include certain mandatory elements to ensure some form of universality across the province and to also maintain the necessary discretionary control and flexibility at the local level. Once the legislative framework is completed, discussion will then focus on the preparation of guidelines or a model municipal by-law that municipalities could adopt for disabled parking.

Bill C-105, THE RAILWAY SAFETY ACT

Bill C-105, the Railway Safety Act received Royal Assent on May 17th, 1988. The new Act provides a clear safety focus by placing all the federal govern-

ment's powers for the regulation of railway safety in one Act.

The Association of Municipalities of Ontario supported the Federation of Canadian Municipalities' brief presented to the Standing Committee which identified those provisions of the bill where municipalities are either directly or indirectly involved in ensuring railway safety.

Following the review of the bill by the Standing Committee on Transport, a number of amendments were included in the bill as presented to the House of Commons on May 4th, 1988. The most important amendment for municipalities, was the inclusion of Part I "Joint Urban Development and Transportation Plans" of the Railway Relocations and Crossing Act within the new Railway Safety Act. This will enable municipalities to apply for federal grants and orders for railway works, including relocations on the basis of public convenience and it ensures that railways do not profit unduly from voluntary relocations.

FURTHER ON DOWN THE ROAD: AMENDMENTS TO THE PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT REGARDING COUNTY ROADS COMMITTEES

In February, 1988, the Minister of Transportation and Communications introduced Bill 98: An Act to amend the Public Transportation and Highway Improvement Act. This bill was introduced last year at this time as Bill 211 and subsequently died on the order paper.

The bill provides for three amendments to the Act, one of which would permit county councils to determine the com-

position and qualifications of their road committee along with the amount of authority to be vested in these committees. In a communication dated March, 1988, the Association advised that while it is supportive of the bill in principle, there were some minor concerns and the Association requested amendments to the legislation.

The only major changes requested included: the elimination of the possibility that non-council members could be appointed to county roads committees; and, the deletion of the reference to staggered terms for appointees to achieve continuity.

This bill received Royal Assent on June 1st, 1988 and was not altered to accommodate AMO's points.

A Busy Year Ahead

1988-1989 promises to be an even more eventful year for the Association in the area of policy development and the promotion of the municipal government viewpoint on key public policies.

Highlights to look forward to are:

. AMO'S REVIEW OF CONDITIONAL GRANTS

An Association discussion paper on all conditional grants has been in process for over 18 months. The Association has undertaken this large task in an attempt to develop a consistent and comprehensive strategy for AMO on all provincial-municipal transfer payments. The special committee has reviewed each grant program Ministry by Ministry. A financial database has been developed. Some research of other jurisdictions has been done.

The basic questions in reviewing programs have been:

- . What is the municipal role in delivering this service?
- . Are the needs of municipalities being met by the current grant structure?
- . Are the needs being met by the current level of provincial support?
- . Can this function be financed from provincial revenues?
- . Should this function be financed from provincial revenues?
- . If this is a municipal government function that requires financial assistance from the province, how can the transfer payment address fiscal

needs and equalization across the province?

The review is almost complete and the final report will be completed this fall. This will be one of the major items of debate at the Fall 1988 meeting of the AMO Board of Directors meeting. The final report will become one of the discussion documents along with the Association's response to the Provincial-Municipal Social Services Review, to bring to the forthcoming provincial-municipal review of municipal finance, as referenced in the Association's presentation to the Premier and Cabinet in March 1988.

. ALSO COMING IN 1988-1989

- . AMO report "Pressures on the Partnership: Response to the Provincial-Municipal Social Services Review".
- . Provincial-Municipal Committee on Municipal Finance (the development of the terms of reference is in process).
- . AMO Position Paper on Waste Management.
- . The Affordable Land-Use Housing Policy Statement under the Planning Act.
- . Joint Business Assessment Review.
- . Report of the AMO/Ministry/Industry Committee on Streamlining the Approval Process.
- . The release of the Report of the Social Assistance Review Committee.
- . Bill for Lot Levy and Front-End Financing Legislation.

- . "Partners for Community Recreation: Review of Assistance Programs for Community Recreation" (second stage report).
- . Review of Mandatory Health Programs and Services under the Health Protection and Promotion Act.
- . Proposals for a new Special Occasion Permit System and changes to liquor licensing and control.
- . Report of the Inter-Ministerial Committee on Transportation for the Disabled.

Acknowledgements

1988 Policy Guidelines

- . the AMO Legislative and Resolutions Committee, plus special committees of AMO

AMO and the Provincial Cabinet

- . AMO Executive Committee, Bev Allen, Director of Policy and Legislative Services

Municipal Option on Sunday Shopping

- . AMO Executive Committee, AMO Legislative and Resolutions Committee, Large Urban Executive Committee, Mac Dunbar, Executive Director

Bill 34: Freedom of Information and Protection of Individual Privacy

- . AMO Executive Committee, Heather Bell, Senior Policy Analyst

Cemeteries Review

- . AMO Legislative and Resolutions Committee, Maggie Allan, Administrative Officer

Municipal Act Amendments

- . AMO Legislative and Resolutions Committee, Gloria Marchesano, Administrative Officer

County Government Review

- . Special Section Committee on County Government Review, Mark Emery, Manager of Section Services

Special Occasion Permits

- . AMO Municipal Development Committee, SDMRO, Bev Allen, Director of Policy and Legislative Services

Trailer Licensing

- . AMO Section Executive Committees, Stephen Dupuis, Policy Analyst (former)

**Ontario Building Code
Revisions**

- . AMO Municipal Development Committee, Ontario Building Officials Association, Bev Allen, Director of Policy and Legislative Services

Business Assessment

- . AMO Fiscal Policy Committee, Large Urban Executive Committee

**Fire Departments Act/
Police Act**

- . AMO Labour Relations Committee, Sharad Kerur, Director of Labour Relations and Computer Services

**Fire Service Advisory Committee
on Occupational Health and
Safety**

- . AMO Labour Relations Committee, Sharad Kerur, Director of Labour Relations and Computer Services

Mandatory Retirement

- . AMO Labour Relations Committee, OMPA

**MISA - Municipal Industrial
Strategy for Abatement**

- . AMO Municipal Development Committee, Heather Bell, Senior Policy Analyst

**Environmental Assessment
Improvement Project**

- . AMO Municipal Development Committee

AMO and the Provincial Budget

- . AMO Fiscal Policy Committee, Stephen Dupuis, Policy Analyst (former)

Unconditional Grants

- . AMO Fiscal Policy Committee, Heather Bell, Senior Policy Analyst

Financing Education

- . AMO Fiscal Policy Committee, Heather Bell, Senior Policy Analyst

**Education Apportionment,
Bill 100**

- . AMO Fiscal Policy Committee, Heather Bell, Senior Policy Analyst

**Lot Levies and Front-End
Financing**

- . AMO Fiscal Policy Committee, Section Executive Committees, Bev Allen, Director of Policy and Legislative Services

Municipal Liability Insurance

- . AMO Sections, AMO Fiscal Policy Committee, Heather Bell, Senior Policy Analyst

Federal Tax Reform

- . AMO Fiscal Policy Committee, Mac Dunbar, Executive Director

**Provincial-Municipal Social
Services Review**

- . AMO Section Executive Committee, AMO Social Development Committee, AMO Fiscal Policy Committee, David Goyette, PMO Consulting, Bev Allen, Director of Policy and Legislative Services

New Directions for Child Care

- . AMO Social Development Committee, Section Executive Committees, Stephen Dupuis, Policy Analyst (former)

**One Stop Shopping: Community
Programs for Seniors**

- . County and Regional Section Executive Committee, AMO Social Development Committee

Rental Housing Protection Act

- . AMO Municipal Development Committee, AMO Social Development Committee, Large Urban Executive Committee

**Residential Rental Standards
Board**

- . AMO Municipal Development Committee, AMO Social Development Committee, Stephen Dupuis, Policy Analyst (former)

Municipal Elections Act

- . all Section Executive Committees, Mac Dunbar, Executive Director

Amendments to the Planning Act

- . AMO Municipal Development Committee, Section Executive Committees, Mark Emery, Manager of Section Services

Proposed Disabled Parking Permit

- . Large Urban Executive Committee, Gloria Marchesano, Administrative Officer

Bill C-105 - The Railway Safety Act

- . AMO Municipal Development Committee, Gloria Marchesano, Administrative Officer

County Roads Committees

- . County and Regional Executive Committee, Mark Emery, Manager of Section Services

AMO's Review of Conditional Grants

- . Special Conditional Grants Review Committee, Project team of Bev Allen, Director of Policy and Legislative Services, Heather Bell, Senior Policy Analyst, Stephen Dupuis, Policy Analyst (former)